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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,694	04/16/2001	John J. Donnelly	18972PCA	5738
7590	02/25/2004		EXAMINER	
Merck & Co., Inc. Patent Department P.O. Box 2000 - RY60-30 Rahway, NJ 07065-0907			MCKELVEY, TERRY ALAN	
			ART UNIT	PAPER NUMBER
			1636	

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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**Commissioner for Patents**

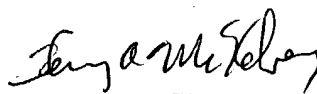
The reply filed on 12/3/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the applicant did not elect a single invention within Group I which is drawn to a specific DNA construct, as required by the previous communication. The applicant's traversal of the requirement is noted. However, in order to be fully responsive to the prior Office Action, one specific DNA construct must be elected because the elected group comprises some claims drawn to more than one construct. The traversal of the requirement will be responded to after the election is made. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Certain papers related to this application may be submitted to Art Unit 1636 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone number for the Group is 703-872-9306. NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning rejections or other major issues in this communication or earlier communications from the examiner should be directed to Terry A. McKelvey whose telephone number is (571) 272-0775. The examiner can normally be reached on Monday through Friday, except for Wednesdays, from about 7:30 AM to about 6:00 PM. A phone message left at this number will be responded to as soon as possible (i.e., shortly after the examiner returns to his office).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached on (571) 272-0781.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

  
TERRY MCKELVEY  
PRIMARY EXAMINER